



Rec'd PCT/PTO, 21 JUL 2004  
10/502226



#2

INVESTOR IN PEOPLE

# **PRIORITY DOCUMENT**

SUBMITTED OR TRANSMITTED IN  
COMPLIANCE WITH RULE 17.1(a) OR (b)

The Patent Office  
Concept House  
Cardiff Road  
Newport  
South Wales  
NP10 8QQ

PCT/GB 2003 / 0 0 0 5 2 9

REC'D 25 MAR 2003

WIPO

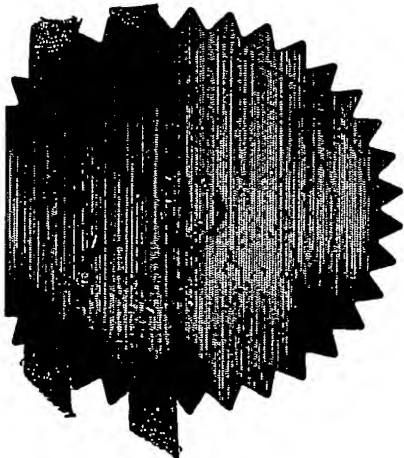
PCT

I, the undersigned, being an officer duly authorised in accordance with Section 74(1) and (4) of the Deregulation & Contracting Out Act 1994, to sign and issue certificates on behalf of the Comptroller-General, hereby certify that annexed hereto is a true copy of the documents as originally filed in connection with the patent application identified therein.

In accordance with the Patents (Companies Re-registration) Rules 1982, if a company named in this certificate and any accompanying documents has re-registered under the Companies Act 1980 with the same name as that with which it was registered immediately before re-registration save for the substitution as, or inclusion as, the last part of the name of the words "public limited company" or their equivalents in Welsh, references to the name of the company in this certificate and any accompanying documents shall be treated as references to the name with which it is so re-registered.

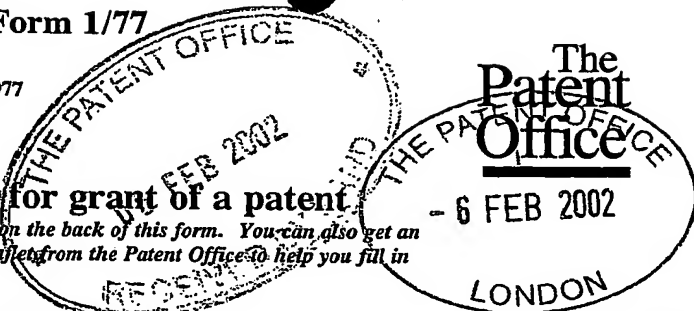
In accordance with the rules, the words "public limited company" may be replaced by p.l.c., plc, P.L.C. or PLC.

Re-registration under the Companies Act does not constitute a new legal entity but merely subjects the company to certain additional company law rules.



Signed *Andrew Gensay*  
Dated 5 March 2003

**BEST AVAILABLE COPY**



1/77

The Patent Office  
 Cardiff Road  
 Newport  
 Gwent NP9 1RH

**Request for grant of a patent**

(See the notes on the back of this form. You can also get an explanatory leaflet from the Patent Office to help you fill in this form)

1. Your reference	44.76948/000		
2. Patent application number (The Patent Office will fill in this part)	0202776.1		
3. Full name, address and postcode of the or of each applicant (underline all surnames)	Axis-Shield ASA Ulvenveien 87 N-0510 Oslo Norway		
Patents ADP number (if you know it)	7763873001		
If the applicant is a corporate body, give country/state of incorporation	Norway		
4. Title of the invention	ASSAY		
5. Name of your agent (if you have one)	Frank B. Dehn & Co.		
"Address for service" in the United Kingdom to which all correspondence should be sent (including the postcode)	179 Queen Victoria Street London EC4V 4EL		
Patents ADP number (if you know it)	166001		
6. If you are declaring priority from one or more earlier patent applications, give the country and the date of filing of the or of each of these earlier applications and (if you know it) the or each application number	Country	Priority application number (if you know it)	Date of filing (day / month / year)
7. If this application is divided or otherwise derived from an earlier UK application, give the number and the filing date of the earlier application	Number of earlier application	Date of filing (day / month / year)	
8. Is a statement of inventorship and of right to grant of a patent required in support of this request? (Answer 'Yes' if: a) any applicant named in part 3 is not an inventor, or b) there is an inventor who is not named as an applicant, or c) any named applicant is a corporate body. See note (d))	Yes		

# Patents Form 1/77

9. Enter the number of sheets for any of the following items you are filing with this form. Do not count copies of the same document

Continuation sheets of this form 0

Description 12

Claim(s) 1

Abstract -

Drawing(s) -

10. If you are also filing any of the following, state how many against each item.

Priority documents -

Translations of priority documents -

Statement of inventorship and right to grant of a patent (Patents Form 7/77) -

Request for preliminary examination and search (Patents Form 9/77) -

Request for substantive examination (Patents Form 10/77) -

Any other documents (please specify) -

11. I/We request the grant of a patent on the basis of this application.

Signature

Frank B Dehn & Co

Date 6th February 2002

12. Name and daytime telephone number of person to contact in the United Kingdom

Julian Cockbain  
020 7206 0600

## Warning

After an application for a patent has been filed, the Comptroller of the Patent Office will consider whether publication or communication of the invention should be prohibited or restricted under Section 22 of the Patents Act 1977. You will be informed if it is necessary to prohibit or restrict your invention in this way. Furthermore, if you live in the United Kingdom, Section 23 of the Patents Act 1977 stops you from applying for a patent abroad without first getting written permission from the Patent Office unless an application has been filed at least 6 weeks beforehand in the United Kingdom for a patent for the same invention and either no direction prohibiting publication or communication has been given, or any such direction has been revoked.

## Notes

- If you need help to fill in this form or you have any questions, please contact the Patent Office on 0645 500505.
- Write your answers in capital letters using black ink or you may type them.
- If there is not enough space for all the relevant details on any part of this form, please continue on a separate sheet of paper and write "see continuation sheet" in the relevant part(s) of the form. Any continuation sheet should be attached to this form.
- If you have answered 'Yes', Patents Form 7/77 will need to be filed.
- Once you have filled in the form you must remember to sign and date it.
- For details of the fee and ways to pay please contact the Patent Office.

76948.616

Assay

This invention relates to an assay for folate as well as to kits and apparatus therefor.

Folate, a term used to cover folic acid, dihydrofolate, tetrahydrofolate and methyltetrahydrofolate, is a coenzyme for the synthesis of thymidine monophosphate and thus of DNA, and is often referred to as being part of the vitamin B complex. It has been widely reported that low levels of folate or a disturbance in folate metabolism is involved in the pathogenesis of several disease states including in particular megaloblastic anaemia, neural tube defects, cancers and cardiovascular disease. Folate shortage in maternity has also been linked to childhood leukaemia. Accordingly the accurate assessment of folate is clinically important in disease and risk evaluation and monitoring.

Assessment of folate however is complicated by the fact that it occurs in a multiplicity of forms varying for example in pteridine ring structure and the number of glutamate residues and in the distribution of the different variants as the distribution is different for folate in serum and in erythrocytes. Indeed there are currently two widely used folate assays - one for serum and the other for whole blood. However for whole blood folate there are large variances in the interassay and intraassay results from different laboratories. As erythrocyte folate gives a measure of the long term status of the patient and is less influenced by food intake than is serum folate, it is generally preferred to assay for erythrocyte folate; however in view of the problems with reliably assaying erythrocyte folate some laboratories are proposing to revert to measuring serum folate instead.

It has been proposed to eliminate the problems

arising from the heterogenicity of folate by subjecting the assay sample to prolonged boiling (about six hours) in half-concentrated hydrochloric acid followed by chromatographic separation and subsequent assessment (e.g. by mass spectroscopy) of a folate fragment that is common to all variants, namely para-amino benzoic acid (PABA). See for example Anal. Biochem. 283: 266-275 (2000). Such a technique however is not feasible for routine clinical use, e.g. in diagnostic laboratories or at the point of care.

There is thus an ongoing need for a reliable and viable assay for folate in biological specimens.

We have now found that such an assay may be based on detection of PABA without requiring its chromatographic separation from the sample and without requiring harsh and user-unfriendly or impractical reaction conditions.

Thus viewed from one aspect the invention provides a method of assaying for folate in a folate containing sample, said method comprising:

subjecting said sample to hydrolysis to release paraaminobenzoic acid or a salt thereof; contacting the released paraaminobenzoic acid or salt or a diazo derivative thereof with a binding partner therefor; and directly or indirectly detecting the resulting binding partner:paraaminobenzoic acid or salt or derivative combination.

The sample assayed according to the method of the invention may be any folate-containing sample, but especially preferably is blood or derived from blood, e.g. concentrated red blood cells or serum, more especially concentrated (and if desired washed) red blood cells (RBC). With an RBC sample, if desired the cells may be lysed and protein therefrom denatured before the hydrolysis; optionally and preferably however the hydrolysis treatment itself will cause cell lysis and protein denaturing.

In the assay method of the invention, the binding partner may be in solution or it may be immobilized on a macrostructure, e.g. a solid, liquid or gel particle, or a substrate surface, for example a sheet, rod, tube, fibre, mesh, web, etc. The binding partner:PABA, etc combination may be directly detectable, e.g. by virtue of characteristic radiation emission or absorption, or enzymatic activity. Alternatively it may be indirectly detectable, e.g. by virtue of the ability of the binding partner to bind to a competitive substance which produces a directly detectable combination with the binding partner.

In one preferred aspect, the binding partner is an antibody or antibody analog capable of binding PABA or a PABA derivative, etc, e.g. an antibody, an antibody fragment, a single chain antibody or antibody fragment, an oligopeptide, an oligonucleotide or a small organic molecule. Using an appropriate antigen, e.g. PABA or a PABA conjugate or derivative, such binding partners may be selected using conventional techniques, e.g. in vivo antibody generation, library techniques such as phage display, combinatorial chemical techniques and computer-aided molecular design.

In a particularly preferred embodiment however the binding partner is an aromatic tertiary amine or phenol or phenol derivative capable of coupling to para diazo benzoic acid (PDBA) to form a diazo compound having a characteristic light absorption or emission. (Light used here includes radiation outside the visible wavelength range, e.g. IR and UV, in particular near IR).

In this embodiment, the released PABA is converted to PDBA, e.g. by reaction with nitrite, preferably before being contacted with the binding partner.

Where antibody generation is to be used to select the binding partner, it is preferred to use as the antigen a PABA substituted at the 2 or 3 position by a group covalently bound to an antigenic macromolecular

carrier, e.g. a protein such as tetanus toxoid, keyhole limpet hemocyanin (KLH), bovine serum albumin (BSA), or other proteins commonly used for this purpose. One preferred starting point for producing such antigens is hydroxy and/or nitro substituted PABA derivatives, such as for example 2-hydroxy-4-amino-benzoic acid, 2-hydroxy-4-nitro-benzoic acid, 3-hydroxy-4-amino-benzoic acid, 3-hydroxy-4-nitro-benzoic acid, etc. The 2-hydroxy group may readily be reacted with a coupling agent, preferably after activation, e.g. tosylation. During the coupling reaction, the 4-amino group (and in some cases also the carboxyl group) may desirably be protected. Conventional protecting groups, e.g. Fmoc, Boc or acetamide for the amine group, and ester formation for the carboxylic acid group, may be used in this regard:

Alternatively, coupling groups or functional groups reactive with coupling agents may be introduced at the 2 or 3 positions of PABA using conventional chemical techniques. Where it is desired to introduce a group at the 2 position, it may be preferred to use para nitro benzoic acid and to reduce the nitro group to an amine group (e.g. with  $\text{Li}/\text{H}_2$ ) following introduction of the 2-substituent.

The group linking the PABA to the carrier preferably provides a 1 to 50 atom bridge linking the two, more preferably a 5 to 20 atom bridge. The backbone atoms of the bridge may or may not be part of an inflexible structure (e.g. an aromatic ring or an aliphatic cage), e.g. to secure correct orientation of the PABA residue.

Coupling of the 2 or 3 substituted PABA to the carrier may be effected in conventional manner, e.g. using thiol terminated 2/3-substituents (for example terminated with a Cys residue) and disulphide or maleimide functionalized carriers.

Less preferably, the antigen for raising anti-PABA

antibodies may be prepared by coupling an antigenic macromolecular carrier (e.g. a protein) to the carboxy or amino functions of PABA itself. In the case of the coupling to the amino function, a Fmoc protected NHS-activated amino alkanolic acid (e.g. amino propanoic acid) spacer may be reacted with PABA, de-protected then coupled to a carrier protein. Alternatively, a protein coupled to an aldehyde-group carrying spacer may be condensed with the amino group of PABA to yield an antigen. A further alternative is to react an isothiocyanate activated aminoalkanoic acid spacer with PABA or to react isothiocyanate-activated PABA with an amino alkanolic acid spacer, optionally after first coupling the spacer to a carrier protein.

The binding partner is preferably substrate bound, e.g. to a porous web (e.g. nitrocellulose) or to polymeric beads, especially preferably magnetically collectable beads (e.g. such as those available from Dynal AS, Oslo, Norway). With an immobilized binding partner, it is possible to wash the substrate after it has been incubated with the PABA solution and thus remove other materials in the sample that might interfere with determination of the PABA:binding partner combination. This is particularly desirable where the sample contains hemoglobin and the binding partner forms an azo compound on reaction with PABA. Standard techniques for coupling the binding partner to the substrate can be used.

In the performance of the assay of the invention, the conversion of folate to PABA is conveniently effected using a strongly acidic medium, eg 6M hydrochloric acid for 6 hours at 110°C or by vapour phase hydrochloric acid hydrolysis in sealed containers (eg 1 hour at 150°C), or 4N methanesulphonic acid. Desirably hydrolysis is effected using a metal catalyst, e.g a transition metal or compound thereof, in particular platinum or a platinum compound, in acidic



solution, e.g. strong (eg  $\geq 4M$ , preferably  $\geq 5M$ , especially  $\geq 6M$ ) hydrochloric acid, optionally after an initial incubation with one or more protease.

In an alternative, highly preferred embodiment, acid hydrolysis of folate to PABA is effected under microwave irradiation. This can bring the time required for hydrolysis down by a factor of 5 or more, and possibly even more than 25.

The acid hydrolysis may be made more user-friendly by initial proteolysis, eg using enzymes such as pepsin, trypsin, chymotrypsin and carboxypeptidase A either alone or in combinations of two or more optionally together with further enzymes such as amylase and conjugase. The folate forms released can then be converted to PABA by acid hydrolysis as described above or by enzyme or metal catalysed degradations. This combination of techniques can result in liberation of PABA from folate-containing samples in a matter of minutes.

Following the acid hydrolysis to yield PABA, if the binding partner is pH sensitive the pH of the sample may be adjusted (e.g. by addition of a base such as sodium hydroxide or a buffer), eg to a value closer to pH 7.

Where the binding partner is immobilized on a substrate, the sample is then brought into contact with the substrate and incubated to allow PABA:binding partner binding to occur. Desirably the substrate is then rinsed to remove unbound material before the PABA:binding partner combination is assessed. In this format, it is preferred to use a second, labelled binding partner which binds either to the PABA:binding partner complex or to the immobilized binding partner which has not bound to PABA. Detection of the label thus gives a direct or indirect value for the PABA concentration. The labels used may for example be fluorophores, chromophores, radiolabels, etc.

Where the binding partner is an aromatic amine or

phenol, PABA is first converted to PDBA, e.g. by reaction with sodium nitrite and hydrochloric acid. The PDBA containing sample is then contacted with the aromatic amine or phenol which may or may not be substrate bound. The aromatic amine or phenol must have an unsubstituted ring position ortho or para to the amino or hydroxy group but may be substituted at other ring positions or at the amine nitrogen and, as described below, such substituents may be used to select the desired colour or fluorescence wavelength of the azo compound formed by reaction with PDBA as well as to couple the amine or phenol to a substrate. Where the amine or phenol is substrate bound, after incubation with the PDBA containing sample, the substrate may be rinsed to remove unbound material and the azo compound concentration can then be determined directly by spectrometric methods. Where the amine or phenol is not substrate bound, the concentration of the azo compound can again be determined directly by spectrometric methods. However as the sample will contain heme degradation products, in this case the amine or phenol is preferably selected so that the azo compound is fluorescent or has a characteristic absorption at a wavelength at which the "background" from the heme degradation products is relatively small.

Hydroxyl and amino groups, especially if they are ortho- or para- to the azo bond intensify the colour of azo compounds. This is exemplified by p-hydroxyazobenzene which has an absorption maximum at 349 nm (ethanol,  $\epsilon=26300$ ), and p-dimethylaminoazobenzene which has an absorption maximum at 408nm (ethanol,  $\epsilon=27540$ ). Both azo-compounds absorb at longer wavelength and with higher molar absorptivity than azobenzene itself does.

Azo-compounds in which an electron donating substituent on one aromatic ring is conjugated with an electron-withdrawing group on the other ring have

especially deep colours. A good example is provided by the group of azobenzenes where a nitro group is substituted on one ring ortho or para to the azo-linkage and a dialkylamino group is substituted on the other ring - also para to the azo linkage. This is because one resonance contributor of these compounds has a quinoid structure, a feature often associated with deep colour in azo compounds. An example of such a compound illustrating this characteristic is 4-dimethylamino-4'-nitrobenzene which has an absorption maximum at 478 nm with  $\epsilon=33110$  in ethanol.

Fluorescence may be expected generally in molecules that are aromatic and contain multiple-conjugated double bonds with a high degree of resonance stability. Both classes of substances have delocalized  $\pi$ -electrons that can be placed in low-lying excited singlet states. One way of increasing the fluorescence of azo compounds is to prevent the excited single state from losing the energy by intramolecular nonradiative transitions, i.e. transforming the excitation energy into vibrational movements within the molecule. Molecular rigidity lessens the possibility of competing nonradiative transitions by decreasing vibrations - this minimizes intersystem crossing to the triplet state and collisional heat degradation. This is clearly illustrated by extending the alkyl chains of the tertiary amino group in 4-dialkylamino-4'-carboxyazobenzene. Many short alkyl chain length azobenzenes are practically non-fluorescent, while longer chain ( $\geq C_3$ ) azobenzenes are fluorescent. Also, the fluorescence intensity increases with the alkyl chain length of the amino group. However, since this inevitably increases the hydrophobicity of the compounds, the decreased solubility of these long chain fluorescent azo-compounds may limit their use. Thus 4-di( $C_{3-6}$ alkyl)amino-4'-carboxyazobenzenes are especially preferred.

Since reduced flexibility of the alkyl chain is a key element related to the fluorescence properties, one way of overcoming the solubility problem and further "immobilize" the alkyl chains is to use aromatic amines where the alkyl chains form stable ring structures. An example of such a compound is julolidine. This structure, incorporated in the azo-structure with the amine para to the azo bond, greatly reduces loss of excitation energy due to molecular vibration, resulting in increased fluorescence. Furthermore, adding extra phenyl rings in the azo-compounds, like those formed when naphthalene-derivatives (or higher order fused phenyl ring compounds) with amino and/or hydroxyl substituents (naphthol/naphthaleneamine) are reacted with diazonium group of PDBA, strengthens the fluorescence.

Generally, the most planar, rigid and sterically uncrowded molecule of a series of organic compounds is the most fluorescent one. The formation of chelates with metal ions in general also promotes fluorescence by promoting rigidity and minimizing internal vibrations. For this reason, hydroxyl or substituted or unsubstituted amino groups are preferably included in the amine or phenol at positions meta to the amine or hydroxyl groups. These will be capable of coordinating metal ions.

Such substituents strongly affect fluorescence. A substituent that delocalises the  $\pi$ -electrons, such as an  $-\text{NH}_2$ ,  $-\text{OH}$ ,  $-\text{OCH}_3$ ,  $-\text{F}$ ,  $-\text{NHCH}_3$  or  $\text{N}(\text{CH}_3)_2$  group, often enhances fluorescence, while electron-withdrawing substituents, e.g.  $-\text{Cl}$ ,  $-\text{Br}$ ,  $-\text{I}$ ,  $-\text{NHCOCH}_3$ ,  $-\text{NO}_2$  or  $-\text{COOH}$ , decrease or completely quench the fluorescence.

Additionally, changes in the system pH may also influence fluorescence if it affects the charge status of the chromophore. Such changes can be explained by comparing resonance forms of anion and cation structures.

The substitution patterns and conjugated ring systems that enhance the conjugated system and/or lead to quinoid structures will generally give rise to bathochromic shifts resulting in absorption bands in the red part of the spectrum, possibly different from the absorption bands of the heme decomposition products. It is important to realise that the hydrolysis of hemeglobin will produce heme-decomposition products with absorption characteristics different from native heme, and the majority of these compounds will absorb in the blue part of the spectrum (and so appear light yellow-brownish in colour). This is obviously a beneficial situation since the spectral overlap between the heme derived chromophores and the diazo compound will be greatly reduced compared to the situation with native heme.

Where the binding partner is neither substrate bound nor an aromatic amine or a phenol, the PABA containing sample is desirably first incubated with a labelled binding partner and then contacted with a second, substrate bound binding partner which is capable of binding either to the PABA:binding partner complex or to the free binding partner. The substrate is then desirably rinsed to removed unbound material and the substrate-bound label is then detected giving a direct or indirect value for the PABA concentration.

Alternatively, an unbound, fluorophore-labelled binding partner may be used with the concentration of PABA being determined by the change in fluorescence polarization resulting from the formation of PABA:binding partner complexes. Again however the fluorophore preferably has a characteristic emission wavelength at which heme degradation products provide minimal background.

Viewed from a further aspect, the invention provides a kit for use in the performance of the assay of the invention, said kit comprising:

- a) a folate hydrolysis reagent;
- b) a PABA or PDBA binding partner;
- c) optionally a [PABA to PDBA converting] reagent; and
- d) optionally, a secondary binding partner.

The assay method of the invention is preferably performed together with a homocysteine assay and/or a holo transcobalamin II assay, e.g. as described in US-A-6063581, US-A-5631127, WO 00/40973, WO 00/11479 and WO 00/17659.

The invention will now be described further with reference to the following non-limiting Examples:

#### Example 1

##### Conversion of folate to PABA

A 200 $\mu$ L sample of whole blood is mixed with 500 $\mu$ L of 8.5M hydrochloric acid in borosilicate glass tubes with Teflon-lined screw caps and incubated for 6 hours at 110°C.

#### Example 2

##### Conversion of PABA to PDBA

The PABA containing composition of Example 1 is cooled to room temperature, diluted with 500 $\mu$ L purified water and loaded onto a C18 solid phase extraction cartridge. The colourless eluant is diluted 1:10 v/v with water to produce a hydrogen chloride concentration of approx. 0.3M. Aqueous sodium nitrite solution (50 mg/ml) is added in a volume ratio of 2:1 (sample:NaNO<sub>2</sub> solution) and the mixture is allowed to react for ten minutes at 4°C.

Example 3

Conversion of PDBA to diazo compound

The PDBA solution of Example 2 is mixed with an aromatic amine or phenol solution (4 mg/mL in 10 mM aqueous phosphate buffer, 0.15M NaCl, pH 7.4) in a volume ratio of 3:2 (PDBA solution:amine/phenol solution) and allowed to react for 30 minutes. The diazo compound can then be detected spectrometrically.

In this Example, the following aromatic amines/phenols will typically be used: N,N-di-n-propyl-aminobenzene; N,N-di-n-butyl-aminobenzene; julolidine; phenol; and 2-hydroxynaphthalene.

CLAIMS:

1. A method of assaying for folate in a folate containing sample, said method comprising:

subjecting said sample to hydrolysis to release paraaminobenzoic acid or a salt thereof; contacting the released paraaminobenzoic acid or salt or a diazo derivative thereof with a binding partner therefor; and directly or indirectly detecting the resulting binding partner:paraaminobenzoic acid or salt or derivative combination.

2. A kit for use in the performance of the assay of the invention, said kit comprising:

- a) a folate hydrolysis reagent;
- b) a PABA or PDBA binding partner;
- c) optionally a [PABA to PDBA converting] reagent; and
- d) optionally, a secondary binding partner.



**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record**

## **BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ BLACK BORDERS
- ☐ IMAGE CUT OFF AT TOP, BOTTOM OR SIDES
- ☒ FADED TEXT OR DRAWING
- ☒ BLURRED OR ILLEGIBLE TEXT OR DRAWING
- ☐ SKEWED/SLANTED IMAGES
- ☐ COLOR OR BLACK AND WHITE PHOTOGRAPHS
- ☐ GRAY SCALE DOCUMENTS
- ☐ LINES OR MARKS ON ORIGINAL DOCUMENT
- ☐ REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY
- ☐ OTHER: \_\_\_\_\_

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.**